

## REMARKS

### STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1 and 16-21 have been amended. Claims 1-21 are pending.

No new matter is being presented, and approval of the amended claims is respectfully requested.

### REASONS FOR ENTRY

Applicants request entry of this Rule 116 Response and Request for Reconsideration because the amendments of claims 1 and 16-21 are merely to further improve form and readability, and will not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

Further, the amendments do not alter the scope of the claims and place the application at least into a better form for appeal. The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### REJECTIONS OF CLAIMS 1-5, 11 AND 16-18 UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY PIRILA (U.S. PATENT NO. 6,674,860)

The rejections of claims 1-5, 11 and 16-18 are respectfully traversed and reconsideration is requested.

On page 3, item 4, and in the Response to Arguments, on page 2, item 2, of the Action, the Examiner asserts that Pirila discloses that the position recording apparatus can decrypt the encrypted position information by using decryption data only when the terminal sends the decryption data to allow the position recording apparatus to decrypt the encrypted position information and the position recording apparatus receives the decryption data from the terminal (citing column 5, lines 19-25).

Applicants respectfully disagree with the Examiner's interpretation of Pirila. Pirila discloses that the base station sends a decryption key to the mobile station in addition to the

encrypted location information of the base station. The mobile station calculates the location coordinates of the mobile station by using the decrypted location information and the observed time difference. The mobile station further can transfer the calculated location coordinates to the base station.

However, in Pirila, the base station holds and manages a decryption key used for decrypting data sent from a mobile station. Consequently, the base station can always decrypt location coordinates sent by the mobile station by using the decryption key.

The portion of Pirila cited by the Examiner discloses that the mobile module comprises means for decrypting the information using a decryption key and means for receiving said decryption key from a mobile station. Thus, it appears that the Examiner interprets the feature of a mobile station sending a decryption key to the mobile module, as disclosed by Pirila, as equivalent to using decryption data only when the terminal sends the decryption data to allow the position recording apparatus to decrypt the encrypted position information, as recited in independent claims 1, 16 and 17.

Moreover, on page 3 of the Action, the Examiner cites Fig. 3 and column 6, lines 48-63, of Pirila, as disclosing a position recording apparatus for receiving the position information and recording the position information in an encrypted state. As clearly disclosed in column 6, lines 57-63 of Pirila, the logical blocks 312-312 of the mobile station 31 in Fig. 3 can be constituted by the mobile intelligent module shown in Fig. 10 of Pirila. The cited portion of Pirila discloses that the serving base station transfers the encrypted coordinates to a mobile location center, as stated by the Examiner. Thus, the Examiner equates the mobile location center of Pirila to the position recording apparatus of the present invention.

However, according to the present invention as recited in independent claims 1, 16 and 17, the terminal sends the decryption data to allow *the position recording apparatus* (interpreted by the Examiner to be equivalent to the mobile location center) to decrypt the encrypted position information and *the position recording apparatus* receives the decryption data from *the terminal* (interpreted by the Examiner to be equivalent to a mobile station). Therefore, it is possible to manage the position information of the mobile body without infringing on the privacy of the mobile body, since the position recording apparatus itself cannot decrypt the position information without obtaining the encryption key from the mobile body.

In Pirila, the mobile module receives a decryption key from a mobile station, which the Examiner interprets to be equivalent to the terminal of the present invention. However, the mobile module is not equivalent to the position recording apparatus of the present invention, which receives the decryption key, as recited in independent claims 1, 16 and 17. In other

words, according to the present invention, the decryption data is managed at the terminal side, not in the position recording apparatus.

Therefore, it is respectfully submitted that independent claims 1, 16 and 17 patentably distinguish over the cited art and should be allowed. Further, dependent claims 2-5, 11 and 18 inherit the patentability of their respective base claims and, thus, also patentably distinguish over the prior art.

**REJECTIONS OF CLAIMS 6-10, 12-15 AND 19-21 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER PIRILA IN VIEW OF HAVINIS ET AL. (U.S. PATENT NO. 6,216,007)**

Claims 6-10 and 12-15 depend from independent claim 1, which, as stated above, patentably distinguishes over Pirila and should be allowed. Claims 19-21 depend from claim 17, which, as stated above, also should be allowed.

It is further submitted that Havinis et al. fails to cure the deficiencies of Pirila, discussed above, and thus it is respectfully submitted that dependent claims 6-10, 12-15 and 19-21 patentably distinguish over the prior art.

**CONCLUSION**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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